

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT J. PICKLE,	§
	§
Defendant Below,	§ No. 381, 2021
Appellant,	§
	§
v.	§ Court Below–Superior Court
	§ of the State of Delaware
STATE OF DELAWARE,	§
	§ Cr. ID No. 1309017881(K)
Plaintiff Below,	§
Appellee.	§

Submitted: December 9, 2021

Decided: February 17, 2022

Before **SEITZ**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

**ORDER**

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the Superior Court record, we conclude that the Superior Court’s dismissal of the appellant’s second motion for postconviction relief should be affirmed. The appellant, Robert Pickle, could not invoke Superior Court Criminal Rule 61(d)(2) because he opted to plead guilty instead of proceeding to a jury trial.<sup>1</sup> And Pickle does not claim that the Superior Court lacked jurisdiction to enter a judgment of conviction and sentence him.<sup>2</sup>

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<sup>1</sup> Del. Super. Crim. R. 61(d)(2) (providing that a second or subsequent motion for postconviction relief must be summarily dismissed unless the movant was convicted after a trial and satisfies additional pleading requirements).

<sup>2</sup> Del. Super. Ct. Crim. R. 61(i)(5).

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura

Justice